

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE JOHN AUGUST ENGMAN,

Debtor.

Bky. No. HG 01-13070

JOHN AUGUST ENGMAN,

Appellant,

v

DAY & SAWDEY, P.C.,

Dist. Ct. No. 1:04-cv-841

Appellee.

Hon. Wendell A. Miles

ORDER DISMISSING APPEAL

Appellant John A. Engman (“appellant”) filed a Notice of Appeal from an October 15, 2004 order of the United States Bankruptcy Court for the Western District of Michigan granting an application for compensation by attorney Larry A. Ver Merris. The appeal was docketed in this court on December 14, 2004.

On April 7, 2005, the court issued a Show Cause Order requiring the appellant to show cause why this appeal should not be dismissed for failure to prosecute based on the appellant’s failure to file an appellant’s brief on appeal and failure to file an amended designation of items to be included in the record on appeal. The matter is currently before the court on the appellant’s response to the Show Cause Order. In his response, the appellant, who contends that he is an attorney, essentially blames the court for failing to tell him that his brief was due. Appellant

states that he can prepare and file a brief within 15 days notice. However, appellant's response offers no excuse for his failure to comply with the court's December 20, 2004 order requiring appellant to file, within seven days, an amended designation of items to be included in the record on appeal.

Appellant originally designated the entire court file to be included in the record on appeal. This is not acceptable, nor is appellant's failure to respond to the court's order requiring him to file an amended designation itemizing only those pleadings relevant to the appeal.

To date, appellant has not to date filed an amended designation pursuant to the court's December 20, 2004 order or Fed.R.Bankr.P. 8006.

The court finds that appellant has failed to comply with Fed.R.Bankr.P. 8006 and has failed to prosecute this appeal. For that reason, this appeal is hereby **DISMISSED**.

Entered this 28th day of April, 2005.

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge